

# EXHIBIT 1

GNE.3230R1C39

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                |   |  |
|----------------|---|--|
| Applicant      | : | Eaton, et al.  |
| Appl. No.      | : | 10/063,557   |
| Filed          | : | May 2, 2002  |
| For            | : | SECRETED AND<br>TRANSMEMBRANE<br>POLYPEPTIDES AND NUCLEIC<br>ACIDS ENCODING THE SAME |
| Examiner       | : | David J. Blanchard   |
| Group Art Unit | : | 1642   |

### DECLARATION OF J. CHRISTOPHER GRIMALDI, UNDER 37 CFR §1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, J. Christopher Grimaldi, declare and state as follows:

1. I am a Senior Research Associate in the Molecular Biology Department of Genentech, Inc., South San Francisco, CA 94080.
2. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).
3. I joined Genentech in January of 1999. From 1999 to 2003, I directed the Cloning Laboratory in the Molecular Biology Department. During this time I directed or performed numerous molecular biology techniques including semi-quantitative Polymerase Chain Reaction (PCR) analyses. I am currently involved, among other projects, in the isolation of genes coding for membrane associated proteins which can be used as targets for antibody therapeutics against cancer. In connection with the above-identified patent application, I personally performed or directed the semi-quantitative PCR gene expression analyses in the assay entitled "Tumor Versus Normal Differential Tissue Expression Distribution," which is described in EXAMPLE 18 in the specification. These studies were used to identify differences in gene expression between tumor tissue and their normal counterparts.
4. EXAMPLE 18 reports the results of the PCR analyses conducted as part of the investigating of several newly discovered DNA sequences. This process included developing

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primers and analyzing expression of the DNA sequences of interest in normal and tumor tissues. The analyses were designed to determine whether a difference exists between gene expression in normal tissues as compared to tumor in the same tissue type.

5. The DNA libraries used in the gene expression studies were made from pooled samples of normal and of tumor tissues. Data from pooled samples is more likely to be accurate than data obtained from a sample from a single individual. That is, the detection of variations in gene expression is likely to represent a more generally relevant condition when pooled samples from normal tissues are compared with pooled samples from tumors in the same tissue type.

6. In differential gene expression studies, one looks for genes whose expression levels differ significantly under different conditions, for example, in normal versus diseased tissue. Thus, I conducted a semi-quantitative analysis of the expression of the DNA sequences of interest in normal versus tumor tissues. Expression levels were graded according to a scale of +, -, and +/- to indicate the amount of the specific signal detected. Using the widely accepted technique of PCR, it was determined whether the polynucleotides tested were more highly expressed, less expressed, or whether expression remained the same in tumor tissue as compared to its normal counterpart. Because this technique relies on the visual detection of ethidium bromide staining of PCR products on agarose gels, it is reasonable to assume that any detectable differences seen between two samples will represent at least a two fold difference in cDNA.

7. The results of the gene expression studies indicate that the genes of interest can be used to differentiate tumor from normal. The precise levels of gene expression are irrelevant; what matters is that there is a relative difference in expression between normal tissue and tumor tissue. The precise type of tumor is also irrelevant; again, the assay was designed to indicate whether a difference exists between normal tissue and tumor tissue of the same type. If a difference is detected, this indicates that the gene and its corresponding polypeptide and antibodies against the polypeptide are useful for diagnostic purposes, to screen samples to differentiate between normal and tumor. Additional studies can then be conducted if further information is desired.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

By:

J. Christopher Grimaldi

Date:

8/10/2004

## **J. Christopher Grimaldi**

1434-36<sup>th</sup> Ave.  
San Francisco, CA 94122  
(415) 681-1639 (Home)

### **EDUCATION**

University of California, Berkeley  
Bachelor of Arts in Molecular Biology, 1984

### **EMPLOYMENT EXPERIENCE**

#### **SRA**

Genentech Inc., South San Francisco; 1/99 to present

Previously, was responsible to direct and manage the Cloning Lab. Currently focused on isolating cancer specific genes for the Tumor Antigen (TAP), and Secreted Tumor Protein (STOP) projects for the Oncology Department as well as Immunologically relevant genes for the Immunology Department. Directed a lab of 6 scientists focused on a company-wide team effort to identify and isolate secreted proteins for potential therapeutic use (SPDI). For the SPDI project my duties were, among other things, the critically important coordination of the cloning of thousands of putative genes, by developing a smooth process of communication between the Bioinformatics, Cloning, Sequencing, and Legal teams. Collaborated with several groups to discover novel genes through the Curagen project, a unique differential display methodology. Interacted extensively with the Legal team providing essential data needed for filing patents on novel genes discovered through the SPDI, TAP and Curagen projects. My group has developed, implemented and patented high throughput cloning methodologies that have proven to be essential for the isolation of hundreds of novel genes for the SPDI, TAP and Curagen projects as well as dozens of other smaller projects.

#### **Scientist**

DNAX Research Institute, Palo Alto; 9/91 to 1/99

Involved in multiple projects aimed at understanding novel genes discovered through bioinformatics studies and functional assays. Developed and patented a method for the specific depletion of eosinophils in vivo using monoclonal antibodies. Developed and implemented essential technical methodologies and provided strategic direction in the areas of expression, cloning, protein purification, general molecular biology, and monoclonal antibody production. Trained and supervised numerous technical staff.

#### **Facilities Manager**

Corixa, Redwood City; 5/89 - 7/91.

Directed plant-related activities, which included expansion planning, maintenance, safety, purchasing, inventory control, shipping and receiving, and laboratory management. Designed and implemented the safety program. Also served as liaison to regulatory agencies at the local, state and federal level. Was in charge of property leases, leasehold improvements, etc. Negotiated vendor contracts and directed the purchasing department. Trained and supervised personnel to carry out the above-mentioned duties.

SRA

University of California, San Francisco  
Cancer Research Institute; 2/87-4/89.

Was responsible for numerous cloning projects including: studies of somatic hypermutation, studies of AIDS-associated lymphomas, and cloning of t(5;14), t(11;14), and t(8;14) translocations. Focused on the activation of hemopoietic growth factors involved in the t(5;14) translocation in leukemia patients..

Research  
Technician

Berlex Biosciences, South San Francisco; 7/85-2/87.

Worked on a subunit porcine vaccine directed against *Mycoplasma hyopneumoniae*. Was responsible for generating genomic libraries, screening with degenerate oligonucleotides, and characterizing and expressing clones in *E. coli*. Also constructed a general purpose expression vector for use by other scientific teams.

#### PUBLICATIONS

1. Hilary F. Clark, et al. "The Secreted Protein Discovery Initiative (SPDI), a Large-scale Effort to Identify Novel Human Secreted and Transmembrane Proteins: a bioinformatics assessment." *Genome Res.* Vol 13(10), 2265-2270, 2003
2. Sean H. Adams, Clarissa Chui, Sarah L. Schilbach, Xing Xian Yu, Audrey D. Goddard, J. Christopher Grimaldi, James Lee, Patrick Dowd, David A. Lewin, & Steven Colman. "BFTT, a Unique Acyl-CoA Thioesterase Induced in Thermogenic Brown Adipose Tissue: Cloning, organization of the human gene and assessment of a potential link to obesity" *Biochemical Journal*, Vol 360, 135-142, 2001
3. Szeto W, Jiang W, Tice DA, Rubinfeld B, Hollingshead PG, Fong SE, Dugger DL, Pham T, Yansura D, Wong TA, Grimaldi JC, Corpuz RT, Singh JS, Frantz GD, Devaux B, Crowley CW, Schwall RH, Eberhard DA, Rastelli L, Polakis P, and Pennica D. "Overexpression of the Retinoic Acid-Responsive Gene *Stra6* in Human Cancers and its Synergistic Activation by Wnt-1 and Retinoic Acid." *Cancer Research* Vol. 61(10), 4197-4205, 2001
4. Jeanne Kahn, Fuad Mehraban, Gladdys Ingle, Xiaohua Xin, Juliet E. Bryant, Gordon Vehar, Jill Schoenfeld, J. Christopher Grimaldi (incorrectly named as "Grimaldi, CJ"), Franklin Peale, Aparna Draksharapu, David A. Lewin, and Mary E. Gerritsen. "Gene Expression Profiling in an in Vitro Model of Angiogenesis." *American Journal of Pathology* Vol 156(6), 1887-1900, 2000.
5. Grimaldi JC, Yu NX, Grunig G, Seymour BW, Cottrez F, Robinson DS, Hosken N, Ferlin WG, Wu X, Soto H, O'Garra A, Howard MC, Coffman RL. "Depletion of eosinophils in mice through the use of antibodies specific for C-C chemokine receptor 3 (CCR3). *Journal of Leukocyte Biology*; Vol. 65(6), 846-53, 1999
6. Oliver AM, Grimaldi JC, Howard MC, Kearney JF. "Independently ligating CD38 and Fc gammaRIIB relays a dominant negative signal to B cells." *Hybridoma* Vol. 18(2), 113-9, 1999

7. Cockayne DA, Muchamuel T, Grimaldi JC, Muller-Steffner H, Randall TD, Lund FE, Murray R, Schuber F, Howard MC. "Mice deficient for the ecto-nicotinamide adenine dinucleotide glycohydrolase CD38 exhibit altered humoral immune responses." *Blood* Vol. 92(4), 1324-33, 1998
8. Frances E. Lund, Nanette W. Solvason, Michael P. Cooke, Andrew W. Heath, J. Christopher Grimaldi, Troy D. Randall, R. M. E. Parkhouse, Christopher C Goodnow and Maureen C. Howard. "Signaling through murine CD38 is impaired in antigen receptor unresponsive B cells." *European Journal of Immunology*, Vol. 25(5), 1338-1345, 1995
9. M. J. Guimaraes, J. F. Bazan, A. Zolotnik, M. V. Wiles, J. C. Grimaldi, F. Lee, T. McClanahan. "A new approach to the study of haematopoietic development in the yolk sac and embryoid body." *Development*, Vol. 121(10), 3335-3346, 1995
10. J. Christopher Grimaldi, Sriram Balasubramanian, J. Fernando Bazan, Armen Shanafelt, Gerard Zurawski and Maureen Howard. "CD38-mediated protein ribosylation." *Journal of Immunology*, Vol. 155(2), 811-817, 1995
11. Leopoldo Santos-Argumedo, Frances F. Lund, Andrew W. Heath, Nanette Solvason, Wei Wei Wu, J. Christopher Grimaldi, R. M. E. Parkhouse and Maureen Howard. "CD38 unresponsiveness of xid B cells implicates Bruton's tyrosine kinase (btk) as a regulator of CD38 induced signal transduction." *International Immunology*, Vol 7(2), 163-170, 1995
12. Frances Lund, Nanette Solvason, J. Christopher Grimaldi, R. M. E. Parkhouse and Maureen Howard. "Murine CD38: An immunoregulatory ectoenzyme." *Immunology Today*, Vol. 16(10), 469-473, 1995
13. Maureen Howard, J. Christopher Grimaldi, J. Fernando Bazan, Frances E. Lund, Leopoldo Santos-Argumedo, R. M. E. Parkhouse, Timothy F. Walseth, and Hon Cheung Lee. "Formation and Hydrolysis of Cyclic ADP-Ribose Catalyzed by Lymphocyte Antigen CD38." *Science*, Vol. 262, 1056-1059, 1993
14. Nobuyuki Harada, Leopoldo Santos-Argumedo, Ray Chang, J. Christopher Grimaldi, Frances Lund, Camilynn I. Brannan, Neal G. Copeland, Nancy A. Jenkins, Andrew Heath, R. M. E. Parkhouse and Maureen Howard. "Expression Cloning of a cDNA Encoding a Novel Murine B Cell Activation Marker: Homology to Human CD38." *The Journal of Immunology*, Vol. 151, 3111-3118, 1993
15. David J. Rawlings, Douglas C. Saffran, Satoshi Tsukada, David A. Largaespada, J. Christopher Grimaldi, Lucie Cohen Randolph N. Mohr, J. Fernando Bazan, Maureen Howard, Neal G. Copeland, Nancy A. Jenkins, Owen Witte. "Mutation of Unique Region of Bruton's Tyrosine Kinase in Immunodeficient XID Mice." *Science*, Vol. 261, 358-360, 1993
16. J. Christopher Grimaldi, Raul Torres, Christine A. Kozak, Ray Chang, Edward Clark, Maureen Howard, and Debra A. Cockayne. "Genomic Structure and Chromosomal Mapping of the Murine CD40 Gene." *The Journal of Immunology*, Vol 149, 3921-3926, 1992
17. Timothy C. Meeker, Bruce Shramizu, Lawrence Kaplan, Brian Herndier, Henry Sanchez, J. Christopher Grimaldi, James Baumgartner, Jacob Rachlin, Ellen Feigal, Mark Rosenblum and Michael S. McGrath. "Evidence for Molecular Subtypes of HIV-Associated Lymphoma:

Division into Peripheral Monoclonal, Polyclonal and Central Nervous System Lymphoma." AIDS, Vol. 5, 669-674, 1991

18. Ann Grimaldi and Chris Grimaldi. "Small-Scale Lambda DNA Prep." Contribution to Current Protocols in Molecular Biology, Supplement 5, Winter 1989
19. J. Christopher Grimaldi, Timothy C. Meeker. "The t(5;14) Chromosomal Translocation in a Case of Acute Lymphocytic Leukemia Joins the Interleukin-3 Gene to the Immunoglobulin Heavy Chain Gene." Blood, Vol. 73, 2081-2085, 1989
20. Timothy C. Meeker, J. Christopher Grimaldi, et al. "An Additional Breakpoint Region in the BCL-1 Locus Associated with the t(11;14) (q13;q32) Translocation of B-Lymphocytic Malignancy." Blood, Vol. 74, 1801-1806, 1989
21. Timothy C. Meeker, J. Christopher Grimaldi, Robert O'Rourke, et al. "Lack of Detectable Somatic Hypermutation in the V Region of the Ig H Chain Gene of a Human Chronic B Lymphocytic Leukemia." The Journal of Immunology, Vol. 141, 3994-3998, 1988

#### MANUSCRIPTS IN PREPARATION

1. Sriram Balasubramanian, J. Christopher Grimaldi, J. Fernando Bazan, Gerard Zurawski and Maureen Howard. "Structural and functional characterization of CD38: Identification of active site residues"

#### PATENTS

1. "Methods for Eosinophil Depletion with Antibody to CCR3 Receptor" (US 6,207,155 B1).
2. "Amplification Based Cloning Method." (US 6,607,899)
3. Ashkenazi et al., "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same." (this patent covers several hundred genes)
4. "IL-17 Homologous Polypeptides and Therapeutic Uses Thereof"
5. "Method of Diagnosing and Treating Cartilaginous Disorders."

#### MEMBERSHIPS AND ACTIVITIES

Editor                      Frontiers in Bioscience

Member                    DNAX Safety Committee 1991-1999  
                              Biological Safety Affairs Forum (BSAF) 1990-1991  
                              Environmental Law Foundation (ELF) 1990-1991